IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 8914/2002

PRAHLAD KUMAR SAINI Vs. THE UNION OF INDIA & ORS.

DATE: 10.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. R.K. Sharma for the petitioner.
Ms. Anjoo Shukla for the respondents.

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The petitioner was engaged as casual labour on 05.02.1985 by respondent No.4 The Assistant Engineer (W.R.), Alwar and worked uptill 20.02.1987. The controversy involved in this case is that after terminating the services of the petitioner, he has not been considered for re-employment whereas vide appointment order dated 18.11.91, 21 similarly situated persons/workers were considered and screened and given appointment. The workers who have served up to 31.12.90 have been included in the list which was screened by the respondent No.4 and the name of the petitioner was also appeared in list at S.No. 20 and he was assured that he will be informed in due course of time for appointment on the post of Gangeman and his name will also be considered. Since the petitioner was not

appointed despite his best efforts, therefore, he made reference before the Assistant Labour Commissioner but the same was refused vide order dated 24.11.98.

learned counsel for the petitioner has alleged that this impugned order has been passed on the ground that reference has been made after a inordinate delay of 10 years and has not passed the order on merit.

I have heard rival submissions of the respective parties and carefully perused the impugned order dated 24.11.98.

As per the findings given by the Labour Commissioner, the petitioner only worked for 138 days and has not completed 240 days. Further it was also observed that the petitioner was also considered and screened but was not found suitable at the time of appointment given to the other similarly situated persons. It is also contended that at the time of retrenchment, no seniority list was published as per Rules 77 and 78 of the Industrial Disputes Act, 1947 and the Labour Commissioner also observed that this fact is wrongly mentioned that they have not published the seniority list and it is evident that the petitioner was also considered and further screening was also made on the basis of the seniority list and published on the notice board but the petitioner at his

own will, has not care to appear for screening. Further after a inordinate delay of 10 years this reference has been made, therefore, the reference was refused not only on the ground of delay but also on merits.

Further the impugned order dated 24.11.98 is also challenged by the petitioner by way of this writ petition after a delay of 4 years. I find no illegality in the impugned order dated 24.11.98 which requires no interference by this Court.

Consequently, the writ petition fails and same is hereby dismissed.

(K.S. RATHORE),J.

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